

**UNITED STATES DISTRICT COURT
DISTRICT OF NEW MEXICO**

RICHARD LUJAN,

Plaintiff,

v.

Civil No. 10-CV-01170-JEC-WDS

CITY OF ESPAÑOLA, et al.

Defendants.

**ORDER GRANTING KNIPFING'S MOTION FOR
AN ORDER STAYING DISCOVERY**

This matter is before the Court on Defendant Knipfing's Motion to Stay Discovery, (Document No. 109) which was filed contemporaneously with Defendant Knipfing's Motion for Qualified Immunity. Knipfing seeks to stay discovery as to all defendants until her Motion for Qualified Immunity is ruled on. The other defendants do not oppose Knipfing's Motion to Stay. Plaintiff opposes the motion on two grounds. First, Plaintiff argues that a stay, if granted, should apply only to Defendant Knipfing, allowing Plaintiff to proceed with discovery against the other defendants. Second, Plaintiff argues that he is at least entitled to limited discovery to address the issues raised in the qualified immunity motion, pursuant to Rule 56(f).

It is well settled that a claim of qualified immunity is not only a defense to liability, but also an entitlement to immunity from suit and other demands of litigation to include far ranging discovery. See *Workman v. Jordan*, 958 F.2d 332 (10th Cir. 1992). The Court agrees with the reasoning of Magistrate Judge Garcia in *Banks v. Los Lunas Public School Dist.*, 04cv1176 WDS/LFG, that it is impractical to stay discovery only as to the moving defendant in multiple defendant cases. Accordingly, the Court finds that the motion is well taken and all discovery in this matter will be stayed until resolution of the underlying Motion to Dismiss.

The Court does not address the Plaintiff's arguments regarding limited discovery under Rule 56(f), opting instead to leave the determination of that matter to the presiding judge, who will consider the merits of Defendant's Motion for Qualified Immunity.

IT IS SO ORDERED.

A handwritten signature in black ink, appearing to read 'W.D. Schneider', written over a faint circular stamp.

W. DANIEL SCHNEIDER
United States Magistrate Judge